

## REMARKS

Claims 1-13, 15-28, 30-43 and 45 are pending in the application. The Examiner objects to claims 2, 9, 10, 24, 25, 39 and 40 as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the Examiner's objections. Claims 1, 3-8, 11-13, 15-23, 26-28, 30-38, and 41-45 stand rejected. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

### **REJECTIONS UNDER 35 USC § 103**

Claims 1, 3-8, 11-13, 15-23, 26-28, 30-38, 41-45 stand rejected under 35 USC 103(a) as being unpatentable over US 6,964,301 to Hill et al. and US 6,568,487 to Meister et al. The Examiner contends that Hill et al. discloses the relevant subject matter except that Hill et al. does not specifically disclose that when the draw rate is increased it includes at least one of increasing the draw rate "continuously" or in a "step-wise" manner during the first draw portion as well as employing "formation rate analysis" or FRA employing piston draw rate to determine desired formation parameters.

However, the Examiner contends that U.S. Patent 6,568,487 to Meister et al. (the '487 Patent) discloses that wherein a system volume/draw rate is adjusted in steps, and a plurality of measurements are taken at each step during the draw portions as well as employing formation rate analysis (FRA) employing data on the piston rate, and determining formation parameters such as fluid compressibility, mobility and formation pressure. The '487 Patent was based on patent application serial number 09/910,624 that was filed on Jul. 20, 2001. The present application is a continuation-in-part of patent application serial number 09/910,624, as identified in the cross-reference to related applications. Thus, Applicant submits that the '487 Patent is not prior art to the present application and that the pending rejections of the claims are not proper.

Applicant submits that the pending claims are allowable and such action is requested.

**CONCLUSION**

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **13-0010 (414-35587-USCP)**.

Respectfully submitted,

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